



## **H.R. 2638 – Department of Homeland Security Appropriations Act for FY2008**

### **Executive Summary**

The House will consider H.R. 2638, the Department of Homeland Security Appropriations Act for FY2008, on June 12, 2007, under an open rule. H.R. 2638 provides \$36.25 billion in discretionary funding for the Department of Homeland Security in fiscal year 2008, which is \$2.1 billion, or 6 percent, more than the President requested. It also represents a 13.6 % increase over non-emergency appropriations for FY2007.

The bill also provides 41 percent more than the Administration requested for FEMA, the majority of which provides for significant increases in funding for State and local grants. The bill also contains language preventing the federal government from preempting State and local regulations for security at chemical facilities, which is opposed by the Administration.

Concerns have been raised regarding a number of provisions in the bill, including 1) the significant increase in overall funding 2) the removal of the 45,000 limit on TSA screeners; 3) the significant increase in State and local grants without changing the way these programs operate or instituting fiscal discipline; 4) an unfunded mandate requiring ICE to report monthly on illegal aliens incarcerated in every correctional facility; and 5) funding restrictions on border fencing and tactical infrastructure.

The Democrats' overall 302(b) allocation levels for FY2008 represent an \$83 billion increase over the 2007 enacted budget levels. While Democrats defend this substantial increase by claiming domestic programs have been starved in recent years, the reality is that domestic discretionary spending has increased 40 % – or 12 % in real dollars – since 2001. The Administration has threatened to veto any appropriations bill with more funding than requested.

H.R. 2638 and the accompanying committee report do not contain earmarks at this point. According to the committee report, earmarks will be considered comprehensively after all of the requests have been properly reviewed. Chairman Obey (D-WI) has said the Appropriations Committee will not make earmarks public until immediately before the August recess. The earmarks will not actually be inserted into the legislation until the House and Senate conference negotiations – long after House members have voted on H.R. 2638. The Democrat strategy does not allow earmarks to be challenged on the floor and greatly limits transparency in the appropriations process.

## **Floor Situation**

H.R. 2638 is being considered on the floor pursuant to an open rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Appropriations.
- Waives all points of order against its consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- During amendment consideration, the Chairman may give priority in recognition to Members who pre-printed his or her amendment(s).
- Waives points of order against provisions that fail to comply with clause 2 of rule XXI.

*Note: This provision waives the House Rule that prohibits authorizing language in an appropriations bill. All Republican Ranking Members signed a letter in object to this tactic.*

- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The bill was introduced by Representative David Price (D-NC) on June 8, 2007. The House Committee on Appropriations reported H.R. 2638 on June 8, 2007.

The bill is expected to be considered on the floor on June 12, 2007.

## **Background**

H.R. 2638 provides \$36.25 billion in discretionary funding for the Department of Homeland Security in fiscal year 2008, which is \$2.1 billion, or 6 percent, more than the President requested. It also represents a 13.6 % increase over non-emergency appropriations for FY2007. The Administration has threatened to veto any appropriations bill with more funding than requested.

Immediately before marking up the Homeland Appropriations bill, the Appropriations Committee approved the 302(b) allocations for fiscal year 2008, including \$36.25 billion, an almost 14% increase, for the Department of Homeland Security above FY2007. 302(b) allocations set the amount of discretionary funding allowed for each appropriations bill.

In addition, the bill provides 41 percent more than the Administration requested for FEMA, the majority of which provides for significant increases in funding for State and local grants. The bill also contains language preventing the federal government from preempting State and local regulations for security at chemical facilities, which is opposed by the Administration.

During committee markup of the bill, the Ranking Republican Member of the Appropriations Subcommittee on Homeland Security, Rep. Hal Rogers (R-KY), raised concerns regarding the significant increase in overall funding and offered an amendment limiting funding to the level requested by the President.

Rep. Rogers also highlighted several other significant concerns, including: 1) the removal of the 45,000 limit on TSA screeners; 2) the significant increase in State and local grants without changing the way these programs operate or instituting fiscal discipline; 3) an unfunded mandate requiring ICE to report monthly on illegal aliens incarcerated in every correctional facility; and 4) the funding restrictions on border fencing and tactical infrastructure.

## Funding Summary

**Table: Homeland Security Appropriations**

(funding in millions)

	<b>FY08 House Proposal</b>	<b>FY08 Administration Request</b>	<b>FY07 Enacted</b>	<b>FY07 Supplemental</b>
Total Discretionary	\$36,254	\$34,189	\$33,734	\$5,660
CBP	\$8,833	\$8,783	\$8,036	\$150
ICE	\$4,182	\$4,168	\$3,958	\$6
TSA	\$6,538	\$6,319	\$6,054	\$395
Coast Guard	\$8,357	\$8,457	\$9,292	[\$120, by transfer]
Secret Service	\$1,396	\$1,399	\$1,277	
NPP	\$1,035	\$1,047	\$934	\$24
FEMA	\$7,337	\$5,247	\$5,895	\$4,580
USCIS	\$30	\$30	\$182	\$8
S&T	\$777	\$799	\$883	\$5
DNDO	\$516	\$562	\$481	\$135

More detailed funding tables can be found in the [Committee Report](#), pages 158-194.

## Key Provisions

- **Office of Counternarcotics:** The bill provides \$3 million for the Office of Counternarcotics, \$155,000 below the amount requested and \$640,000 above the amount provided for FY07.
- **Customs and Border Patrol Officers:** CBP Officers currently do not receive the same compensation and benefits that law enforcement officers receive. The bill includes a

provision allowing all eligible CBP officers to receive the same benefits and provides \$50 million to cover the cost of the enhanced benefits. (Section 533)

*Note: Similar language was included in the Homeland Security Authorization bill (HR 1684), which passed the House on May 9, 2007 by a vote of 296 to 126.*

- **Border Security, Fencing, Infrastructure and Technology:** The bill provides \$1 billion for border fencing, infrastructure, and technology. However, \$700 million of this funding would not be available until the Committee on Appropriations approves an investment and expenditure plan submitted by DHS outlining the activities, goals, and costs of a program to establish security barriers along the border. Prior to building any fencing or other tactical infrastructure on the border, DHS must coordinate with affected federal agencies, including the National Park Service, U.S. Fish and Wildlife Service, the Forest Service, and others, to minimize the impact on wildlife and natural resources. DHS must also formally consult with state and local communities regarding fencing and infrastructure projects before the funds are given. The bill also restricts funds for use of the environmental waiver authority until the waiver has been published in the Federal Register for 15 days.
- **CBP Air and Marine:** The bill provides \$477 million for Air and Marine interdiction, operations, maintenances, and procurement, which is equal to the amount requested and \$124 million below the amount appropriated for FY2007.
- **Western Hemisphere Travel Initiative (WHTI):** The bill includes \$225 million for implementation of WHTI, which must be implemented at all ports of entry by June 2009 under current law. The recommended level is more than \$27 million below the Administration's request. This funding is available for two fiscal years, but \$100 million cannot be obligated until CBP reports on a pilot program.
- **TSA Screeners:** The bill does not include language that limits the number of TSA screeners at 45,000.

*Note: According to Homeland Security Appropriations Subcommittee Ranking Member, this cap was included in previous years because TSA was not demonstrating discipline in its planning, hiring, and use of technology.*

- **Criminal Alien Program:** The bill allocates over \$180 million for the ICE Criminal Alien Program, \$14 million above the amount requested and \$42.5 million above the 2007 level. It also includes language requiring every one of the nation's correctional facilities – over 5,050 facilities, according to the Bureau of Prisons – to identify incarcerated aliens and initiate deportation proceedings.

*Note: While Homeland Security Subcommittee Ranking Member Hal Rogers (R-KY) lauded the goal behind this provision, he expressed concerns that it is an unfunded mandate that would need more resources and a more realistic implementation policy.*

*Specifically, he raised concerns over the bill's direction to re-direct ICE resources from critical investigative and fugitive operations duties to meet this mandate.*

- **Deepwater:** The bill provides a net \$591 million, after rescissions, for the Coast Guard's Deepwater program to replace aging ships and aircraft, which is \$197 million below the Administration's request. The Deepwater program has been criticized by a number of observers including the GAO and the DHS Inspector General. The bill requires the Coast Guard to submit a detailed expenditure plan for Deepwater prior to the obligation of \$400,000 of Deepwater's funding.
- **US-VISIT:** The bill provides \$462 million for the US-VISIT program, which is the same as the amount requested.

*Note: US-VISIT is an automated entry and exit data system used to authenticate the travel documents of foreign visitors. The committee report expresses concern that the program is not fully operational for individuals exiting the country. The bill contains language requiring an expenditure plan that includes a complete schedule of the full implementation of the exit system.*

- **FEMA:** The bill provides \$7.1 billion for FEMA, which is \$2.1 billion more than requested and \$1.4 billion more than appropriated in non-emergency spending last year. The majority of this increase comes from significant bumps to several grant and training programs, including:
  - \$550 million for State Homeland Security grants, \$25 million more than requested.
  - \$400 million for Law Enforcement Terrorism prevention grants, \$400 million more than requested.
  - \$800 million for Urban Area Security Initiative grants, equal to the amount requested.
  - \$400 million for Port Security grants, \$190 million more than requested.
  - \$400 million for Rail and Transit Security grants, \$225 million more than requested.
- **Firefighter Assistance:** The bill provides \$800 million for grants to local firefighting departments, which is \$500 million more than the Administration's request and \$138 million more than was appropriated for FY2007.
- **REAL ID:** The bill provides \$50 million for grants to assist states in implementing the REAL ID Act. The Administration had requested that 20 percent of state homeland security grants be set aside for this purpose.
- **FEMA Trailers and Homeless Veterans:** The committee report includes a provision directing FEMA to work with the VA and other relevant federal agencies on a feasibility study to determine how the unused surplus of FEMA trailers can be used to house homeless veterans.

- **Gulf Coast Coordinator:** The bill provides \$3 million for the Office of the Coordinator of Gulf Coast Rebuilding, which is equal to the amount requested for FY2008 and appropriated for FY2007. \$1 million of this obligation will remain unavailable until the coordinator submits an expenditure plan for FY2008.
- **Chemical Security:** The bill prohibits the federal government from preempting stronger State and local chemical security regulations.
- **Sensitive Security Information:** The bill clarifies that information regarding the security standards and plans for chemical facilities are categorized as Sensitive Security Information.
- **Davis-Bacon Compliance:** The bill prohibits funds for grants or contracts that are not Davis-Bacon compliant. The president can suspend this requirement during a national emergency.

#### **Amendments made in order by the unanimous consent agreement**

**Rep. Drake (R-VA):** The intent of the amendment is to fully fund the President's Budget Request at \$26,400,000 for State and Local Law Enforcement Support for the training and support for the voluntary participation of local law enforcement officers in immigration law enforcement as authorized under section the 287(g) program of the INA. The offsets are found in the account of the Office of the Secretary of Management.

**Rep. Browne-Waite (R-FL):** Amendment regarding funding for border fencing and technology.

**Rep. McHenry (R-NC):** Provides \$30 million additional to USCIS with the purposes for carrying out the USCIS strategic transformation plan. The offset for this change in funding comes from the general expenses of the DHS Office of Under Secretary for Management.

**Rep. Ferguson (R-NJ):** Amendment regarding funding for Buffer Zone Protection.

**Rep. Burgess (R-TX):** Amendment regarding funding for Secure Flight.

**Rep. Corrine Brown (D-FL):** Amendment increases funding for the operating expenses of the DHS Inspector General by \$500,000 (reported bill recommends \$32 million). The offset would be provided by a \$500,000 decreases in funding for the Office of the Chief Financial Officer (reported bill recommends \$99 million).

**Rep. Corinne Brown (D-FL):** Amendment regarding funding for FEMA management and administration.

**Rep. King (R-IA):** Amendment regarding funding for Drug Smuggler Look-Out posts.

**Rep. Pearce (R-NM):** This amendment would increase the budget for the CBP by \$125 million. The offset comes from a \$125 million reduction in TSA's Screening Operation budget, which is

currently funded \$225.7 million above the President's request and \$450 million over the amount provided for FY2007.

**Rep. Shays (R-CT):** The amendment would appropriate \$100,000 to share counterterrorism and stolen and lost travel document information between the Department of Homeland Security (DHS) and the International Criminal Police Organization (INTERPOL).

**Rep. Kuhl (R-NY):** Requires the Secretary of DHS and the Comptroller General of the United States to conduct a study that "examines potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions"

**Rep. Kuhl (R-NY):** Requires the Secretary of DHS and the Comptroller General of the United States to conduct a study that examines the security at the Northern Border, evaluates the ability of the United States CBP to identify and stop all potential threats from crossing, lists all breaches of national security and the reasons for such breaches since 2005, and contains recommendations concerning how and what must be done to improve United States Customs and Border Protection and security at the Northern Border.

**Rep. Conaway (R-TX):** The amendment would decrease the funds from Border Security Fencing, Infrastructure, and Technology by \$5,000,000 (Title II) and then increase the same section by the same amount - \$5,000,000. The member's intent of the dollar decrease and matching increase is to begin a legislative history regarding his desire to decrease the Environmental and Regulatory Assessments funding level (located in the Border Security Fencing, Infrastructure, and Technology section of Title II) by \$5,000,000 putting it at the requested level of \$50,000,000. The member wishes to express that he would like the \$5,000,000 to be used to establish a pilot program along the Southern U.S. Border to eradicate invasive plants ("cover plants") such as, but not limited to salt cedar and Russian olive trees.

**Reps. Hunter (R-CA)/Royce (R-CA):** Allocates funding for border security fencing to be used in accordance with the fencing provisions of the Secure Fence Act. It also strikes all restrictions in the bill related to funding for border security fencing.

**Rep. Carter (R-TX):** The amendment strikes a number of restrictions on funding for border fencing and tactical infrastructure, including 1) the requirement that DHS must coordinate with affected federal agencies, including the National Park Service, U.S. Fish and Wildlife Service, the Forest Service, and others, to minimize the impact on wildlife and natural resources; 2) DHS must also formally consult with state and local communities regarding fencing and infrastructure projects before the funds are given; and 3) restriction on funds for use of the environmental waiver authority until the waiver has been published in the Federal Register for 15 days.

**Rep. Souder (R-IN):** Restores \$29.5 million of the \$70 million cut for much-needed maritime patrol and surveillance aircraft used to prosecute search and rescue cases, intercept drug runners, and locate illegal migrants while still offshore. Takes \$8 million from bridge alterations and \$21.5 million from expiring lease agreements.

**Rep. McCaul (R-TX):** The amendment strikes a legislative provision in the appropriations bill that would prohibit Customs and Border Protection from investing in new UAV systems. The current language requires that UAV systems be certified as cost effective, but cost effectiveness should not be the only consideration.

**Rep. King (R-IA):** Amendment regarding funding for worksite enforcement.

**Rep. Souder (R-IN):** This amendment increases funding for the Maritime Patrol Aircraft (MPA) by \$29.5 million. The Coast Guard's all-time record seizure of nearly 43,000 pounds of cocaine in March was possible only through the surveillance capability of an upgraded C-130 MPA. The President requested about \$170 million for the construction and modification of four MPA, but the bill recommends only \$100 million (a little more than the cost for two aircraft), cutting \$70 million from the MPA portion of the Deepwater program. The amendment would restore \$29.5 million to the program, buying a third aircraft, and reduce the Coast Guard's Operating Expenses account by \$21.5 million, and terminate the Coast Guard's Alteration of Bridges account by \$8 million.

**Rep. Bilbray (R-CA):** Amendment to remove 150,000,000 from the Integrated Deepwater Systems program and move it to REAL ID grants (pursuant to PL 108-13). This will move the total funding for REAL ID grants to \$200,000,000.

**Rep. Dent (R-PA):** The amendment prevents the transfer of \$4 million from the Protective Operations account to the Field Investigations account. This amendment will ensure that the Secret Service has adequate resources for candidate protection for the 2008 Presidential race.

**Rep. Jindal (R-LA):** Increases funding in the Disaster Relief Fund by \$5 million to address identified weaknesses in preparedness capabilities among 18 hurricane-prone States.

**Rep. Geoff Davis (R-KY):** Amendment Improves the capability of rural and small community first responders through restored funding of the Commercial Equipment Direct Assistance Program (CEDAP) to the FY 07 level. This \$30 million increase is offset by taking \$5 million from each of six very large other grant programs. CBO scores the amendment as budget neutral.

**Rep. Langevin (D-RI):** The amendment stipulates that \$50 million of the \$646 million provided in the bill for science and technology research be utilized specifically for cybersecurity research and development.

**Reps. Pete King (R-NY)/McCaul (R-TX):** This amendment restores \$40 million in vital funding from the President FY08 request to the Domestic Nuclear Detection Office for the Securing the Cities Program and the Radiation Portal Monitors Program. Funding is offset by reducing funds for the Coast Guard Research, Development, Test, and Evaluation account by \$5 million and for Emergency Management Performance Grants by \$35 million.

**Rep. Corrine Brown (D-FL):** Amendment requires that Orlando International Airport and Miami International Airport be selected as two of the seven airports selected to implement a pilot program to screen airport workers who entering secure airport space.



**Rep. McCaul (R-TX):** This would restore the MAX-HR program which allows DHS the wide latitude to move personnel and transfer workers during a time of a national emergency.

**Rep. Thompson (D-MS):** Amendment strikes section 537(b) relating to small business.

**Rep. Deal (R-GA):** Prohibits funds from being used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service.

**Rep. Ellsworth (D-IN):** Prohibits funds from being awarded to a contractor unless they certify in writing that the contractor owes no Federal tax debt.

**Rep. Hensarling (R-TX):** Regarding limitation on use of certain FEMA grant funds.

**Rep. Jackson-Lee (D-TX):** Requires the Secretary of Homeland Security to submit a classified report to Congress describing the security vulnerabilities of the nation's pipelines and oil refineries.

**Rep. LaTourette (R-OH):** Prohibits funds from being used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458).

**Rep. Ortiz (D-TX):** Amendment regarding limitation on funding for border fencing.

**Rep. Poe (R-TX):** Amendment prevents the use of funds appropriated or made available by the bill to implement the Western Hemisphere Travel Initiative (section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004).

**Rep. Rogers (R-KY):** The amendment reduces discretionary funding in the bill by 5.7 percent.

**Rep. Rogers (R-KY):** Prohibits any funds in the bill to recruit or hire more than 45,000 full-time TSA screeners.

**Rep. Rogers (R-KY):** Amendment regarding Davis-Bacon.

**Rep. Tancredo (R-CO):** Prohibits the use of funds to carry out the Visa Lottery Program (or Diversity Immigrant Visa Program as it is sometimes known). This program makes available 50,000 permanent resident visas – through a random lottery – to foreigners in countries with low rates of immigration to the U.S. This amendment would de-fund this program.

**Rep. Tancredo (R-CO):** Prohibits the expenditure of funds in contravention of a federal law (8 USC 1373a) that bans so-called “sanctuary policies.” Sanctuary policies are ordinances passed by local governments that prevent cooperation between local police and federal immigration authorities. This amendment would prevent federal funds from being disbursed to state and local governments that violate this law.

**Rep. Price (R-GA):** Funds for intelligence activities cannot be used to support or conduct global climate change research.

**Rep. Price (D-NC):** An amendment or amendments regarding funding levels.

**Rep. Obey (D-WI):** An amendment prohibiting funding for earmarks.

**Rep. Forbes (R-VA):** Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens, usually illegal immigrants, from particular countries under “temporary protected status”. DHS can grant TPS status to the nationals of a country for as long as 18 months and can later extend the TPS period for multiple additional periods of as long as 18 months. This amendment will return TPS to its original intent of providing temporary refuge during temporary periods of crisis. It would bar any funds made available in this Act from being used to extend TPS for nationals of a country beyond the original period of not more than 18 months.

### **Amendments Pre-Printed in the Congressional Record on Wednesday, June 13**

**Rep. Pearce (R-NM):** This amendment would increase the budget for the CBP by \$125 million. The offset comes from a \$125 million reduction in TSA’s Screening Operation budget, which is currently funded \$225.7 million above the President’s request and \$450 million over the amount provided for FY2007.

**Rep. Pearce (R-NM):** Prohibits funding for TSA to hire additional full-time TSA screeners until the number of Customs and Border Patrol Agents has reached the congressionally authorized level.

**Rep. Pearce (R-NM):** Prohibits funding for projects or activities occurring on land obtained through eminent domain by a State or local government, unless the owner of the land was paid triple the value of the land as appraised.

**Rep. Royce (R-CA):** Allocates funding for border security fencing to be used in accordance with the fencing provisions of the Secure Fence Act. It also strikes all restrictions in the bill related to funding for border security fencing.

### **Amendments Pre-Printed in the Congressional Record on Tuesday, June 12**

**Rep. Blackburn (R-TN):** This amendment reallocates funds from several accounts into increased funding for border security fencing, infrastructure, and technology. This funding is then apportioned into specific geographical areas as authorized by the SECURE Fence Act (P.L.109-367).

**Rep. McHenry (R-NC):** This amendment would increase the budget for the Department’s office of the CIO IT acquisition budget by \$17 million. The offset comes from the administration budget of FEMA to line it up with the President’s request for FY08, which is still \$133 above the enacted FY07 level.

**Rep. Cantor (R-VA):** The amendment clarifies Section 537 of the bill, which requires that grants and contracts funded by the bill to be awarded either through a competitive process, formula or other mechanism, to ensure that an “other mechanism” does not include an earmark included in the Homeland Appropriations bill, irrespective of whether or not the earmark is added in Conference.

**Rep. McHenry (R-NC):** This amendment would explicitly prohibit the use of any funds in this bill to be used for any immigration benefits for any alien who is in the United States illegally.

**Rep. McHenry (R-NC):** Provides \$30 million additional to USCIS with the purposes for carrying out the USCIS strategic transformation plan. The offset for this change in funding comes from the general expenses of the DHS Office of Under Secretary for Management.

**Rep. McHenry (R-NC):** Provides \$30 million, \$13.8 million more than the Committee recommends, to carry out the 287(g) program from the Immigration and Nationality Act of 1996. This shifts funds within the same account of the overall expenses of the Immigration and Customs Enforcement.

**Rep. McHenry (R-NC):** This amendment would increase the amount that could be allocated for Operation Stonegarden to \$30 million for local governments along the southwest border to enhance coordination between local and federal law enforcement agencies with regards to human trafficking. Currently, the Committee recommends \$15 million and this increase would come out of the same Law Enforcement Terrorism Prevention Grants.

**Rep. McHenry (R-NC):** The amendment increases funding for grants to help States implement the REAL ID Act by \$30 million. The offset would be provided by a \$30 million reduction in FEMA’s grant, equipment and training programs for State and local governments (reported bill provides \$3.1 billion).

**Rep. Reichert (R-WA):** Restores \$10 million for the Analysis and Operations account, which funds DHS intelligence and information sharing activities and was cut \$8 million below FY07 and \$23 million below the President’s FY08 request. Offsets from the **Office of the Secretary** (-\$1M out of \$102.9M), **Office of the Under Secretary for Management** (-\$3M out of \$237.8M), **CBP Salaries and Expenses** (-\$6M out of \$6.6B, funded \$50M over the President’s request and CBP is a recipient of support from I&A).

**Rep. Souder (R-IN):** The amendment withholds \$100 million from CBP Air Operations until a report on asset mission hours is provided.

**Rep. Souder (R-IN):** Restores \$29.5 million of the \$70 million cut for much-needed maritime patrol and surveillance aircraft used to prosecute search and rescue cases, intercept drug runners, and locate illegal migrants while still offshore. Takes \$8 million from bridge alterations and \$21.5 million from expiring lease agreements.

**Rep. Souder (R-IN):** This amendment prohibits any of the funds from being used by the Department of Homeland Security to promote or implement any new program or policy dealing with providing legal status to illegal aliens.

**Rep. Jindal (R-LA):** Increases funding in the Disaster Relief Fund by \$5 million to address identified weaknesses in preparedness capabilities among 18 hurricane-prone States.

**Rep. Capito (R-WV):** Amendment will increase budget authority for "Border Security Fencing, Infrastructure, and Technology" by \$50 million. Current budget authority for this is only \$1 billion (page 11, line 24). The amendment achieves this with an offset of \$50 million in budget authority from the Office of the Under Secretary for Management (page 2, line 16).

**Rep. Buyer (R-IN):** Amendment would require that the Salaries & Expenses account for Immigration Customs and Enforcement (ICE) meets the amount request by the President's Budget. The bill, as published, has a \$15.7 million shortfall to this account despite the dire need to enforce the nation's border protection laws that are already in place.

**Rep. Shuster (R-PA):** Amendment would require the Secretary of DHS submits to the Committees on Appropriations of the Senate and the House of Representatives a report studying the feasibility of a program to check passenger manifests of international flights that over-fly the territory of the United States against terrorist watch lists before \$1,000,000 may be obligated for transportation security support until the Secretary.

**Rep. McCaul (R-TX):** This would restore the MAX-HR program which allows DHS the wide latitude to move personnel and transfer workers during a time of a national emergency.

**Rep. McCaul (R-TX):** The amendment Strikes a legislative provision in the appropriations bill that would prohibit Customs and Border Protection from investing in new UAV systems. The current language requires that UAV systems be certified as cost effective, but cost effectiveness should not be the only consideration.

**Rep. Dent (R-PA):** The amendment prevents the transfer of \$4 million from the Protective Operations account to the Field Investigations account. This amendment will ensure that the Secret Service has adequate resources for candidate protection for the 2008 Presidential race.

**Reps. Pete King (R-NY)/McCaul (R-TX):** This amendment restores \$40 million in vital funding from the President FY08 request to the Domestic Nuclear Detection Office for the Securing the Cities Program and the Radiation Portal Monitors Program. Funding is offset by reducing funds for the Coast Guard Research, Development, Test, and Evaluation account by \$5 million and for Emergency Management Performance Grants by \$35 million.

**Rep. Steve King (R-IA):** Reduces and then increases funding for United States Customs and Border Protection salaries and expenses by \$4.1 million.

**Rep. Steve King (R-IA):** Reduces and then increases funding for United States Customs and Border Protection salaries and expenses by \$1 million.

**Rep. Steve King (R-IA):** Reduces and then increases funding for United States Immigration and Customs Enforcement salaries and expenses by \$5 million.

**Rep. Candice Miller (R-MI):** The intent of this amendment is to decrease the amount that a state can keep out of the total FEMA grant funds to 5%, as opposed to the current 20% level.

**Rep. Tancredo (R-CO):** Prohibits funds from being used to administer any extension of Temporary Protected Status (section 244(b) of the Immigration and Nationality Act) with respect to Honduras or Nicaragua.

**Rep. Deal (R-GA):** Prohibits funds from being used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service.

**Rep. Gallegly (R-CA):** Prohibits funds from being used to pay a Federal contractor who is not participating in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act.

**Rep. Deal (R-GA):** Prohibits funds from being used to provide assistance to any State or local government which has notified DHS of its failure or refusal, in contravention of Federal law, to assist in the enforcement of Federal immigration laws.

**Rep. LaTourette (R-OH):** Prohibits funds from being used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458)

**Rep. Kuhl (R-NY):** Requires the Secretary of DHS and the Comptroller General of the United States to conduct a study that “examines potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions”

**Rep. Kuhl (R-NY):** Requires the Secretary of DHS and the Comptroller General of the United States to conduct a study that examines the security at the Northern Border, evaluates the ability of the United States CBP to identify and stop all potential threats from crossing, lists all breaches of national security and the reasons for such breaches since 2005, and contains recommendations concerning how and what must be done to improve United States Customs and Border Protection and security at the Northern Border.

**Rep. Jackson-Lee (D-TX):** The amendment increases funding for FEMA’s Management and Administration by \$5 million (reported bill provides \$685 million). The offset would be provided by a \$5 million decreases in funding for the Chief Information Officer (reported bill provides \$259 million).

#### **Amendments Submitted for Pre-Printing on Monday, June 11**

**Rep. Rogers (R-KY):** The amendment reduces discretionary funding in the bill by 5.7 percent.

**Rep. Rogers (R-KY):** Prohibits any funds in the bill to recruit or hire more than 45,000 full-time TSA screeners.

**Rep. Langevin (D-RI):** The amendment stipulates that \$50 million of the \$646 million provided in the bill for science and technology research be utilized specifically for cybersecurity research and development.

**Rep. Deal (R-GA):** Prohibits funds going to any state or local government which fails or refuses to assist in the enforcement of federal immigration laws.

**Rep. Deal (R-GA):** Prohibits funds being made available to continue the practice of not allowing border patrol agents the right to retain their horse upon the horse's retirement. Unlike canine retirements when the agent is provided the option of assuming ownership of the animal, horses are required, by federal laws, to be destroyed or sent to pasture.

**Rep. Tancredo (R-CO):** Prohibits the use of funds to carry out the “visa waiver” program. Currently, foreign nationals from 27 countries are able to travel to the United States without first obtaining a visa. This amendment would de-fund the program.

**Rep. Tancredo (R-CO):** Prohibits the expenditure of funds in contravention of a federal law (8 USC 1373a) that bans so-called “sanctuary policies.” Sanctuary policies are ordinances passed by local governments that prevent cooperation between local police and federal immigration authorities. This amendment would prevent federal funds from being disbursed to state and local governments that violate this law.

**Rep. Tancredo (R-CO):** Prohibits the use of funds to carry out the Visa Lottery Program (or Diversity Immigrant Visa Program as it is sometimes known). This program makes available 50,000 permanent resident visas – through a random lottery – to foreigners in countries with low rates of immigration to the U.S. This amendment would de-fund this program.

**Rep. Drake (R-VA):** The intent of the amendment is to fully fund the President’s Budget Request at \$26,400,000 for State and Local Law Enforcement Support for the training and support for the voluntary participation of local law enforcement officers in immigration law enforcement as authorized under section the 287(g) program of the INA. The offsets are found in the account of the Office of the Secretary of Management.

**Rep. Drake (R-VA):** Prohibits funds in the bill to be used to provide immigration benefits to any individual who commits manslaughter while driving under the influence of alcohol.

**Rep. Weldon (R-FL):** Amendment provides \$250,000 from ICE’s salaries and expenses funding to conduct a study on how to increase participation in 287(g) programs. Section 287(g) of the INA allows DHS and State and local governments to enter into assistance compacts. Under the agreement, State and local law enforcement receive training and operate under the direction of federal authorities and therefore have federal authority to enforce immigration laws.

**Rep. Weldon (R-FL):** Prohibits funds from going to State or a political subdivision of a State that refuses reasonable law enforcement requests to participate in 287(g) programs.

**Rep. Browne-Waite (R-FL):** The amendment transfers \$89,125,000 (the difference between FY 08 and FY 07 appropriations) from the Undersecretary of Management to the Border Fence account to increase funding for the Department to comply with the Secure Fence Act. CBO has scored the amendment as budget neutral.

**Rep. Browne-Waite (R-FL):** This amendment specifies that of the \$1 billion in the border security fencing, infrastructure, and technology account, \$300,000,000 must be for a fence along the southwest border.

**Rep. Conaway (R-TX):** It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

**Rep. Conaway (R-TX):** The amendment would decrease the funds from Border Security Fencing, Infrastructure, and Technology by \$5,000,000 (Title II) and then increase the same section by the same amount - \$5,000,000. The member's intent of the dollar decrease and matching increase is to begin a legislative history regarding his desire to decrease the Environmental and Regulatory Assessments funding level (located in the Border Security Fencing, Infrastructure, and Technology section of Title II) by \$5,000,000 putting it at the requested level of \$50,000,000.

**Rep. Corrine Brown (D-FL):** Amendment increases funding for the operating expenses of the DHS Inspector General by \$500,000 (reported bill recommends \$32 million). The offset would be provided by a \$500,000 decreases in funding for the Office of the Chief Financial Officer (reported bill recommends \$99 million).

**Rep. Corrine Brown (D-FL):** Amendment requires that Orlando International Airport and Miami International Airport be selected as two of the seven airports selected to implement a pilot program to screen airport workers who entering secure airport space.

**Rep. Corrine Brown (D-FL):** The amendment increases funding for FEMA's grant, equipment and training programs for State and local governments by \$1 million (reported bill provides \$3.1 billion). The offset would be provided by a \$1 million decreases in funding for the Office of the Chief Financial Officer (reported bill provides \$99 million).

**Rep. Corrine Brown (D-FL):** The amendment cuts funds for a number of senior policy positions within the various offices of DHS.

**Rep. Crowley (D-TX):** The amendment would increase funding for Urban Area Security Initiative grants for State and local governments by \$50 million (reported bill provides \$800 million). The offset would be provided by a \$15 million reduction in the Office of the Secretary and Executive Management (reported bill provides \$102.9 million) and \$35 million from the Office of the Under Secretary for Management (reported bill provides \$238 million).

**Rep. Gingrey (R-GA):** This amendment would ensure that the Federal Law Enforcement Training Center (FLETC)—which serves as an interagency law enforcement training organization for more than 80 Federal agencies and provides training support to state, local, and international law enforcement agencies—has the basic flexibility to hire the most qualified individuals and the necessary staff to provide this critical training.

**Rep. Jackson-Lee (D-TX):** Requires all reports required by the bill be made available on DHS's website within 48 hours of submission to Congress, unless the report compromises national security.

**Rep. Jackson-Lee (D-TX):** Requires that funds included in FEMA's Management and Administration account be used to encourage emergency preparedness efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

**Rep. Jackson-Lee (D-TX):** Requires the Secretary of Homeland Security to submit a classified report to Congress describing the security vulnerabilities of the nation's pipelines and oil refineries.

**Rep. Issa (R-CA):** The amendment prevents funds from being dispersed to a federal contractor unless the contractor opts into the basic pilot program. The basic pilot program makes sure an individual is in the United States legally.

**Rep. Shays (R-CT):** The amendment would appropriate \$100,000 to share counterterrorism and stolen and lost travel document information between the Department of Homeland Security (DHS) and the International Criminal Police Organization (INTERPOL).

**Rep. Poe (R-TX):** Amendment prevents the use of funds appropriated or made available by the bill to implement the Western Hemisphere Travel Initiative (section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004).

**Rep. Carter (R-TX):** The amendment strikes a number of restrictions on funding for border fencing and tactical infrastructure, including 1) the requirement that DHS must coordinate with affected federal agencies, including the National Park Service, U.S. Fish and Wildlife Service, the Forest Service, and others, to minimize the impact on wildlife and natural resources; 2) DHS must also formally consult with state and local communities regarding fencing and infrastructure projects before the funds are given; and 3) restriction on funds for use of the environmental waiver authority until the waiver has been published in the Federal Register for 15 days.

**Rep. Ellsworth (D-IN):** Prohibits funds from being awarded to a contractor unless they certify in writing that the contractor owes no Federal tax debt.

**Rep. Hensarling (R-TX):** Reduce the Executive Secretary to FY07 level (reduce by \$138,000).

**Rep. Hensarling (R-TX):** Reduce Office of Public Affairs to FY07 level (reduce by \$300,000).



**Rep. Hensarling (R-TX):** Reduce Office of General Counsel to FY07 level (reduce by \$1,241,000).

**Rep. Hensarling (R-TX):** Reduce the Under Secretary for Management to FY07 level (reduce by \$142,000).

**Rep. Hensarling (R-TX):** Reduce the Office of Security to FY07 (reduce by \$350,000).

**Rep. Hensarling (R-TX):** Reduce the Office of the Chief Procurement Officer to FY07 level (reduce by \$10,160,000).

**Rep. Hensarling (R-TX):** Reduce Salaries and Expenses of the Chief Human Capital Officer to FY07 level (reduce by \$1,467,000).

**Rep. Hensarling (R-TX):** Reduce Salaries and Expenses of the Chief Administrative Officer to FY07 level (reduce by \$1,212,000).

**Rep. Hensarling (R-TX):** Reduce the Chief Financial Officer to FY07 level (reduce by \$6,045,000).

**Rep. Hensarling (R-TX):** Reduce the Salaries and Expenses of the Chief Information Officer (reduce by \$400,000).

**Rep. Hensarling (R-TX):** Reduce the Office of the Under Secretary for Management (reduce by \$13,331,000).

**Rep. Hensarling (R-TX):** Reduce the Chief of Staff to FY07 level (reduce by \$79,000).

**Rep. Hensarling (R-TX):** Reduce the Office of the Secretary and Executive Management to FY07 level (reduce by \$9,961,000).

**Rep. Hensarling (R-TX):** Eliminate funding for bridge alteration as requested (reduce by \$16,000,000).

**Rep. Hensarling (R-TX):** Reduce the State Homeland Security Grant Program to FY07 level (reduce by \$25,000,000).

**Rep. Hensarling (R-TX):** Reduce State Homeland Security Grant Program to FY08 request (reduce by \$300,000,000). This amendment would basically argue that less is needed if the President's proposal to reduce the state minimum share from 0.75 to 0.25 percent—that too much money is going to states and localities with minimal risk.

**Rep. Hensarling (R-TX):** Eliminate funding for commercial equipment direct access program since it was not requested (reduce by \$20,000,000).

**Rep. Hensarling (R-TX):** Reduce funding for Port Security Grants to FY07 level/FY08 request (reduce by \$190,000,000).

**Rep. Hensarling (R-TX):** Reduce funding for Rail and Transit Security Grants to FY07 level/FY08 request (reduce by \$225,000,000).

**Rep. Hensarling (R-TX):** Eliminate funding for interoperable communication grants since it was not requested (reduce by \$50,000,000).

**Rep. Hensarling (R-TX):** Reduce funding for training grants to FY08 request (reduce by \$58,000,000).

**Rep. Hensarling (R-TX):** Eliminate funding for interoperable communication grants since it was not requested (reduce by \$50,000,000).

**Rep. Hensarling (R-TX):** Reduce fire grants to FY08 request (reduce by \$270,000,000).

**Rep. Hensarling (R-TX):** Reduce fire grants to FY07 level (reduce by \$23,000,000).

**Rep. Hensarling (R-TX):** Strike Section 512, Buy America Requirement

**Rep. Hensarling (R-TX):** Strike Section 514, A-76 Prohibition

**Rep. Hensarling (R-TX):** Strike Section 536, Davis-Bacon expansion

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting dance classes.

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting puppet shows.

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting bingo games.

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting yoga classes.

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting art classes.

**Rep. Hensarling (R-TX):** Prohibit Urban Security Initiative grant money from supporting theater workshops.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting dance classes.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting puppet shows.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting bingo games.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting yoga classes.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting art classes.

**Rep. Hensarling (R-TX):** Prohibit State Homeland Security Grant Program money from supporting theater workshops.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program money from supporting dance classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program money from supporting puppet shows.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program money from supporting bingo games.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program from supporting yoga classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program money from supporting art classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Communications and Interoperability Grants Program money from supporting theater workshops.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting yoga classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting bingo games.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting puppet shows.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting dance classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting art classes.

**Rep. Hensarling (R-TX):** Prohibit Emergency Management Performance Grants Program money from supporting theater workshops.

**Rep. Hensarling (R-TX):** Earmark Limitation Amendment: prohibits funding for the Galveston Causeway Bridge (Galveston, Texas).

**Rep. Hensarling (R-TX):** Earmark Limitation Amendment: prohibits funding for the Burlington Northern Railroad Bridge (Burlington, Iowa)

**Rep. Hensarling (R-TX):** Earmark Limitation Amendment: prohibits funding for the Canadian Pacific Railway Bridge (LaCrosse, Wisconsin)

**Rep. Hensarling (R-TX):** Earmark Limitation Amendment: prohibits funding for the Chelsea Street Bridge (Chelsea, Massachusetts)

*Note: Although there are no earmarks in the bill, last years' Homeland Security Approps bill included money for 4 bridge alterations. (4 amendments)*

**Rep. Hensarling (R-TX):** Prohibit DHS funding for an entertainment liaison.

**Rep. Hensarling (R-TX):** Prohibit DHS funding for purchasing Louis Vuitton handbags.

**Rep. Hensarling (R-TX):** Prohibit DHS funding to pay for adult entertainment.

**Rep. Hensarling (R-TX):** Prohibit DHS funding to pay parking tickets.

**Rep. Hensarling (R-TX):** Prohibit DHS funding to purchase jewelry.

**Rep. Hensarling (R-TX):** Prohibit DHS funding to pay bail bonds.

**Rep. Hensarling (R-TX):** Prohibit DHS funding to send more than 50 employees to conferences outside the U.S.

**Rep. Hensarling (R-TX):** 1 Percent Overall Reduction for Funding in Bill.

**Rep. Lofgren (D-CA):** Amendment uses funding included for alteration or removal of bridges (\$16 million) for the establishment of a National Transportation Security Center of Excellence.

#### **Staff Contact**

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